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## AMENDING THE CODE

### Senate Bill Considered by House Subcommittee.

### SOME CHANGES DESIRED

### REPRESENTATIVES OF THE BAR ASSOCIATION HEARD.

Recommendations by Recorder Dancy and Register Dent—Tax on the Insurance Business.

The Senate bill carrying a large number of amendments to the District code was the subject of a hearing this morning before the Judiciary subcommittee of the House District committee. Chairman Jenkins of the subcommittee presided, and a number of attorneys and others interested in certain amendments to the bill were heard.

The Bar Association was represented by Mr. Wm. F. Mattingly, Mr. Chapin Brown and Mr. Corcoran Thom. Mr. Mattingly spoke first. He explained that the amendments were drawn by the Bar Association; that it had been believed these amendments would be adopted before the code went into effect, but as that had not been the case, the amendments were now being introduced. He went through the bill, which contains over sixty pages, and struck out in several places the words "the date this code goes into effect."

### The Divorce Law.

Attention was called to the divorce law by Mr. Mattingly, who said there was nothing in the pending bill on the subject, although the Bar Association had drafted an amendment, which the Senate had struck out. The Bar Association, he declared, was in favor of the divorce law as originally drawn, but it did not want to endanger the amendment of the code. He said the Senate bill by loading it down with the divorce amendment.

Mr. Chapin Brown, as a member of the Bar Association, explained that the Senate committee had eliminated the divorce question from the bill for the same reason. He was of opinion, however, that it would be just as well to move the bill on the divorce law on the pending bill as anywhere.

### Signature of the Wife.

C. G. Lee of Alexandria spoke in advocacy of House bill 10037, being an amendment to the code to do away with the signature of the wife to deeds to real estate in the District of Columbia. Mr. Lee maintained that the dowry right of the wife belonged to a former age, when the wealth of the country was represented by real estate. Now, he said, nine-tenths of this wealth was represented by personal property. In which there was no provision for the wife's signature. He said the bill, as Lee said, had been passed by fourteen states.

Chairman Jenkins called attention to the fact that this was an important change, and he requested the Bar Association committee to take the matter up and report to the committee. This the committee agreed to do.

### Recorder Dancy's Requests.

Recorder of Deeds John C. Dancy asked the committee to favorably consider the amendment granting his office a janitor and charwoman, a matter which, he said, had been overlooked in the code. He also requested another technical amendment to be made to the code regarding daily reports from his office. He said, however, these were discontinued some time ago.

Judge Kimball urged his amendment to the provision in the code regarding accounting for the property of the Police Court from his provision. He also had drawn another amendment on which he had obtained the approval of City Solicitor and which would be submitted by the Commissioners today, giving judges discretionary power to make restitution of goods.

### Judge Cole's Amendment.

Former Justice Cole presented an amendment to an amendment in the Senate bill giving parties in the District who have dealings with agents of corporations incorporated outside the District the right to take legal action in the local courts. The Senate amendment, Judge Cole said, seemed to limit this action to contracts. His amendment inserted the word "torts."

Register of Wills Dent presented a number of amendments relating to his office. These included: An amendment giving the Probate Court power to enforce the rendition of inventories and accounts by executors, administrators, etc.

### Increased Salary of Register.

Regarding an amendment raising the salary of the register of wills from \$3,000 a year to \$4,000 Mr. Dent remarked: "In the first place, I think I earn the money, and in the second place, as compared with the salary of the recorder of deeds and the clerk of the court, I think I am entitled to it. The recorder of deeds gets \$5,000 and the clerk of the court \$3,500 to \$5,000."

Mr. Dent believed he had as many duties to perform as either of these officials. Considerable discussion was had on the fee system prevailing in Mr. Dent's office, suggestions being made by members of the committee that the register should be paid a salary for Mr. Dent and his clerks and to do away with the fee system. This suggestion seemed to meet the approval of the Judiciary committee, but it was not acted upon.

Several other administrative amendments were submitted by Mr. Dent.

### Bills of Undertakers.

Mr. Robert P. Shealey appeared in behalf of House bill 10118, an amendment to the code regarding the claims of undertakers against estates of deceased persons. The amendment requires such bills to be settled within sixty days or be subject to interest at 6 per cent. It was explained by Mr. Shealey that under existing law an undertaker's bill was a preferred claim.

Attorney Callahan suggested several typographical errors in the code, and critical discussion was had on the subject.

Attorney Fulton Lewis also had several criticisms to make, which were referred to the Bar Association by Chairman Jenkins. Mr. E. M. McPherson, attorney at law, advocated by Mr. Lee regarding the signature of the wife to deeds in the District.

### Taxing the Insurance Business.

Mr. Robert Cook, representing the Metropolitan Life Insurance Company, advocated House bill 10088, granting a tax on insurance business. Mr. Cook said before the code became a law the tax on this business was 1 per cent, and that the average yearly business amounted to over \$1,500,000. The insurance companies wanted a return

## AT THE WHITE HOUSE

### Conference on the Subject of Irrigation Today.

### MAJ. JENKINS' CASE

### DAVENPORT URGED FOR COMMISSIONER OF PENSIONS.

### Representative Perkins Talks on Chinese Exclusion—Large Number of Callers Received.

President Roosevelt gave an hour or more today to a conference on the subject of irrigation, and more particularly to the details of the bill pending in Congress providing national aid for irrigation. The conference was asked for by Representative Mondell, who is in charge of the bill in the House. Those present were Representatives Tongue, Newlands, Teller and Sutherland of the irrigation committee of the House, Representatives Mondell and Metcalf, and Messrs. George H. Maxwell and Pinchell.

Mr. Mondell desired the conference that those most concerned might ascertain the President's views as to the bill and try to overcome any diversity of views that might exist. The conference was a most valuable one, and was entirely satisfactory to the friends of irrigation. It was found that there would be little difficulty in reaching a harmonious agreement between the legislative and executive branches of the government.

It will not be necessary, it is said, to strike out section 8 relating to state and territorial control of the use and distribution of the water. The philosophy of the section will be changed, but it is said this change will not radically alter the section.

Another matter for modification is the portion regarding the withdrawal of lands from entry. It is desired that the bill should be so amended as to give the benefit of irrigation to bona fide settlers and prevent any opportunity to speculation. The interests of settlers are to be guarded carefully.

"Speaker Henderson has promised that the bill shall be taken up in the House," said Mr. Mondell, "but no date has been fixed. We are most desirous of an early action, and believe we can trust to the House to handle the case properly. All we desire is an opportunity to present the bill."

### The Case of Major Jenkins.

Representative Elliott of South Carolina had a talk with President Roosevelt today regarding the bill pending before the military affairs committee of the House for the retirement from the regular army of Major Michael Jenkins. Major Jenkins will be in Washington tomorrow to appear before a subcommittee of the military affairs committee. The ground for congressional action is that Major Jenkins is incapacitated for further service, having contracted disease in Cuba during the Spanish war, when he served in the same regiment with President Roosevelt. A beautiful sword is to be presented to Major Jenkins by the people of South Carolina since the incident of his retirement from the army. The sword was raised by the President at the White House. Major Jenkins and his friends had raised a fund of \$90 or \$75 for a sword. After Lieutenant Governor Tillman's telegram to the President requesting that Major Jenkins be retired, the sword was presented to him. The sword is to be given to Major Jenkins by the people of South Carolina.

### Mr. Davenport for Pension Commissioner.

Representative Sulloway of New Hampshire talked to the President today about a commissioner of pensions to succeed H. Clay Evans. Mr. Sulloway asked that the President give consideration to the abilities and fitness of J. L. Davenport, the first deputy commissioner under Mr. Evans. The President expressed his intention to consider all the recommendations made to him, but did not indicate that he is giving special thought to any particular candidate.

Joseph Murray of New York took breakfast with President Roosevelt this morning. Mr. Murray is slated to succeed Edward F. McSweney as assistant commissioner of the board of pensioners. Mr. Murray will probably be appointed to the position by William Williams, who will succeed Mr. Fitch as commissioner at New York.

### A Talk on Chinese Exclusion.

Representative Perkins of New York, who reported from the interstate and foreign commerce committee the House bill providing for Chinese exclusion, talked with the President about the different points between the House and Senate bills for exclusion, pointing out the main features of each.

Don M. Dickinson, Mr. Chief Justice Strong of Canada, Senator Jose Rosa Pacas and Senator F. Alberto Pacas, members of the board of pensioners, were with the President today. The board will immediately begin its sessions at the interstate commerce commission.

The members of the board of soldiers' homes, in session in Washington, called on the President, accompanied by Secretary Root.

Senator Foraker and Representative Grosvenor saw the President about some Ohio matters this morning.

Representative Brick introduced Col. A. F. Rice, principal of the military academy at Culver, Ind.

### Saw Many People.

President Roosevelt saw and shook hands with a large number of New England people today. At 10 o'clock he began by receiving seventy school teachers from Boston and vicinity, presented by Representative Roberts. Following these he received 350 teachers from the same section presented by Col. Hillings. The teachers were here on an excursion and were provided with cards. The reception took place in the room.

Senator Hawley and Representative Henry of Connecticut presented some friends. Senator Platt of Connecticut presented Marquis Townsend of England and Mr. Robin, son of the late Queen Victoria's chaplain.

Representative McCleary of Minnesota took some friends to the White House to introduce to the President.

D. W. Stevens of the Japanese legation presented Mrs. S. Zanato.

Representative Dayton of West Virginia introduced a party of people from that state.

### Banquet to French Ambassador.

The "Legionnaires" in this country will give a banquet to the French ambassador Thursday evening, April 10, to show their appreciation of favors they have received from the French republic.

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## REPUBLICANS READY

### MEMBERS OF THE CONGRESSIONAL ORGANIZATION CHOSEN.

Will Urge Mr. Babcock to Accept Chairmanship—Leaders Confident of the Next House.

### COMMISSIONERS ANXIOUS TO DISPOSE OF MATTER.

### Litigation Has Extended Over Nearly a Decade—Property Owners Elated Over the Victory.

The District Commissioners have been informed by Mr. A. B. Duvall, the attorney for the District, that the court has overruled all objections to the award of the jury of condemnation in the case of 16th street extension and has finally confirmed the award. Commissioner Macfarland, president of the District board, said in regard to the matter that the Commissioners had not considered the action of the court officially, but he expected the verdict to be approved within the next two or three days. The Commissioners are anxious to dispose of the matter now that they have consulted with the District committees in Congress and find there is no pointed objection to their approval.

After hearing arguments for two days on the part of the property owners as well as the District, Justice Hagner last yesterday, after a brief trial in the Star, granted the motion of the property owners to confirm the award of the jury in the matter of the extension of 16th street. As stated by the District attorney, this is the largest street extension ever undertaken in the District of Columbia.

The property of 232 owners was taken for the street and the jury awarded damages to the owners to the amount of \$22,352.29 and assessed as benefits against the remaining property the sum of \$108,834.75.

### Exceptions of Commissioners.

Because the amount assessed as benefits was so much less than the amount awarded as damages, the Commissioners of the District filed exceptions to the verdict of the jury and asked the court to set aside the verdict as a whole and impanel a new jury. Exceptions were also filed in behalf of some of the property owners.

About ten days ago Attorneys C. C. Cole, R. Golden, Donaldson, Benjamin F. Leighton, John Ridout and Chapin Brown, representing various owners, filed a motion to confirm the verdict and award of the jury notwithstanding the District's exceptions. Upon consideration of this motion the court set the exceptions down for hearing March 28, and subsequently postponed the hearing to April 1.

The arguments on both sides lasted two days, at the close of which Justice Hagner said that the exceptions filed in this case were different from those in the case of the other condemnation cases which he had previously disposed of, and that, in his judgment, there was no reason why the court should disturb the verdict of the jury in this case. He accordingly overruled the exceptions filed by the various lot owners, Columbia, and stated that the District had an order confirming the verdict and award of the jury.

### In Litigation for Years.

The counsel interested in this case are generally very much gratified over the action of the court in confirming the verdict of the jury. Ever since the passage of the highway act, in 1893, legislation and litigation over the extension of this street have been constantly going on, and cases growing out of the extension have been carried to the Supreme Court of the United States.

The present proceeding was instituted in September, 1899, and a jury consisting of Albert A. Wilson, George W. Moss, John A. Hamilton, John S. Larcombe, E. Francis Riggs, Charles H. Moore and Jesse B. Wilson as impaneled.

This jury sat for about four months hearing the testimony of the property owners and the District in relation to the value of the property and the assessment of benefits and on the 25th of May, 1901, filed its verdict, which has now been confirmed by the court.

### Opened to the Public Soon.

The action of the court in confirming the award of the jury thereby practically puts an end to the litigation which has been going on since before the passage of the highway act, in 1893, and will enable the owners of property along the line of the extension to handle their property, over which there has so long been a cloud, and within a short time the street will be open to the public.

Attorney R. Golden Donaldson, who has been actively interested in the matter, said today that he had every reason to believe that the District Commissioners would acquiesce in the confirmation of the award.

### THE TELEPHONE CASES.

### Supplemental Brief Filed by Counsel for Appellees.

In the case of the Chesapeake and Potomac Telephone Company against James F. Manning & Co. Messrs. Birney, Hemphill and Woodward, counsel for appellees, today filed in the United States Supreme Court a supplemental brief as to the finality of the decree appealed from. The court requested counsel on both sides to present their opinions on this phase of the case. Counsel conceded that the decree of the Court of Appeals was final, and that the case was ready for the United States Supreme Court for decision on its merits.

"The prayers of the bill of complaint," counsel state, "are for process and an injunction only, no accounting being asked or necessary. The temporary injunction granted by the court is made perpetual, and the bill is for process and an injunction only, no accounting being asked or necessary. This was precisely what the Court of Appeals ordered when it granted an injunction in conformity with the opinion of this court."

Upon the signing of the decree ordered by the Court of Appeals, the case was at an end, no further proceedings being proper or necessary.

It is understood that Mr. A. S. Worthington, counsel for the telephone company, will take the same position in regard to this status of the case as is taken by counsel for Manning & Co. If the United States Supreme Court takes the same view on the subject it will proceed to consider the telephone case on its merits and a decision is expected during the present term.

### MISS RUTH HILL MARRIES.

### Daughter of Railway Magnate Weds A. M. Beard.

ST. PAUL, Minn., April 2.—At high noon today in the family residence on Summit avenue occurred the wedding of Miss Ruth Hill, daughter of President James J. Hill of the Great Northern railway and Northern Securities Company, and Anson M. Beard, an attorney at law of New York city. Only one hundred and thirty guests were invited, the bride desiring a quiet wedding.

Mr. Anson M. Beard, who officiated at the wedding of Mr. and Mrs. James J. Hill, was the best man.

### Resignation of Lieut. Bach.

President Roosevelt has accepted the resignation of Second Lieutenant Christian A. Bach, 20th Infantry, to take effect from the 30th ultimo.

### Placed on the Retired List.

Captain William J. D. Home, 9th Cavalry, having been examined by a board of officers and found physically disqualified to perform the duties of a captain of cavalry by reason of disability incident to the service, has been placed on the retired list of the army.

Second Lieutenant John Jackson, 25th Infantry, has been placed on the retired list of the army on account of disability incurred in the service.

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### Mr. Morgan Sails for England.

NEW YORK, April 2.—J. Pierpont Morgan sailed for England today on the steamship Oceanic.

## IT WILL BE APPROVED

### Verdict in 16th Street Extension Award

### WITHIN A FEW DAYS

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## EXPRESSED NO REGRET

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